

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

21-cr-155 (JGK)

- against -

ORDER

NOE VILLA RIOS,

Defendant.

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JOHN G. KOELTL, District Judge:

The Court has received the attached motion, which it forwards to counsel for the parties.

The Government should respond to the defendant's motion for a reduction in sentence by **September 6, 2024**. The defendant may reply by **September 20, 2024**.

The Clerk is requested to mail a copy of this Order to the defendant and note mailing on the docket.

SO ORDERED.

Dated: New York, New York  
August 27, 2024

/s/ John G. Koeltl  
John G. Koeltl  
United States District Judge

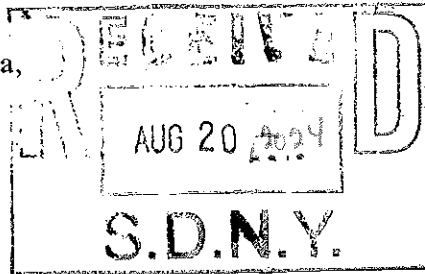
United States District Court  
for the  
Southern District of New York

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United States of America,  
Plaintiff,

v.

Noe Villa Rios  
Defendant.



Yazoo City Low

Place of Confinement

#91321-054

Federal Register Number

1:21CR00155-002(JGK)

Criminal Case Number

Defendant's Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2)  
and Amendment 821 to the Federal Sentencing Guidelines:

- X   Based on U.S.S.G. § 4C1.1 Adjustment for Zero-Point  
Offenders (for those assessed zero criminal history points at  
sentencing)
- Based on U.S.S.G. § 4A1.1(d) & (e) Criminal History Category  
(for those who received "status" points for being under a  
criminal justice sentence at the time of the offense)

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Instructions - Read Carefully

1. The court has received your request regarding a sentence reduction under Amendment 821 to the Sentencing Guidelines (effective November 1, 2023). You must complete this form motion and return it to the appropriate divisional office listed in instruction 3, below, to enable the court to consider your request. This form should only be used when requesting a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines and for no other purpose. Amendment 821 provides for reduction in offense level for certain offenders with zero criminal history points (U.S.S.G. § 4C1.1) and reduces or eliminates status points for certain offenders who previously received status points pursuant to U.S.S.G. § 4A1.1(d). Amendment 825 authorizes retroactive reductions effective February 1, 2024 or later. A copy of your original request is included with this form for your reference.
2. This motion must be legibly handwritten or typewritten. All questions must be briefly answered in the proper space on the form.

3. Completed motions must be mailed to the Clerk of the United States District Court for the Southern District of New York

Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 120  
New York, NY 10007-1312

4. Questionnaires that do not follow these instructions will be returned, and the mistake will be identified.

Questionnaire

1. Name and location of court that entered the sentence that you are asking to reduce:

Daniel Patrick Moynihan United States Courthouse; New York, NY

2. Date(s) of sentence and judgment of conviction:

07-13-2022

3. Are you currently in prison for this sentence?

X Yes        No

4. If so, when is your projected date of release? 10-25-2025

5. Are you currently on supervised release?        Yes X No

6. Are you currently in prison because you violated your supervised release for the conviction and sentence identified in response to Questions No. 1 and 2?

       Yes X No

7. Is your case currently on appeal? \_\_\_\_\_ Yes   X   No

8. Offense(s) for which you were convicted (all counts):

21:846; 21:841(B)(1)(C) Conspiracy to distribute and  
-possess with intent to distribute fentanyl and cocaine

9. In calculating the applicable sentencing guideline range, were you assessed any criminal history points (U.S.S.G. § 4A1.1)?

\_\_\_\_\_ Yes   X   No \_\_\_\_\_ Not Sure

9a. If the answer to Question 9 is "No," check the box for all statements that apply to your conviction and sentence:

- ☐ I received criminal history points from Chapter Four, Part A;
- ☐ I received an adjustment under § 3A1.4 (Terrorism);
- ☐ I used violence or credible threats of violence in connection with the offense;
- ☐ the offense resulted in death or serious bodily injury;
- ☐ the instant offense of conviction is a sex offense;
- ☐ I personally caused substantial financial hardship;
- ☐ I possessed, received, purchased, transported, transferred, sold, or otherwise disposed of a firearm or other dangerous weapon (or induced another participant to do so) in connection with the offense;
- ☐ the instant offense of conviction is covered by § 2H1.1 (Offenses Involving Individual Rights);
- ☐ I received an adjustment under § 3A1.1 (Hate Crime Motivation or Vulnerable Victim) or § 3A1.5 (Serious Human Rights Offense);
- ☐ I received an adjustment under § 3B1.1 (Aggravating Role) or was engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848; or
- ☒ none of the statements above applies to my case.

10. If the answer to Question 9 is "Yes," were you assessed criminal history points for being "under any criminal justice sentence, including probation, parole, supervised release, imprisonment, work release, or escape status" at the time of the offense (a.k.a. "status points") (U.S.S.G. § 4A1.1(d))?

☐ Yes ☒ No ☐ Not Sure

11. If the answer to Question 10 is "Yes," how many criminal history points were assessed in total, including the "status points"?

N/A Criminal History Points

12. If you were sentenced on or after April 5, 2023, did the Court provide the benefit of the "status points" or "zero-point offenders" amended guidelines at your sentencing hearing prior to the effective date?

☐ Yes ☒ No ☐ Not Sure

13. List any good conduct that occurred after your original sentencing hearing or any other mitigating circumstances that you would like the Court to be aware of in deciding whether you should receive a sentence reduction (for example, participating in a drug treatment program, or completing your GED or another degree).

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For the reasons stated in this motion, I move the court for a reduction in sentence under 18 U.S.C. § 3582(c)(2) and Amendment 821 to the Federal Sentencing Guidelines. I declare under penalty of perjury that the facts stated in this motion are true and correct.

Respectfully submitted this August 12, 2024.

  
\_\_\_\_\_  
Signature of Defendant

Noe Villa Rios  
\_\_\_\_\_  
Printed Name

#91321-054  
\_\_\_\_\_  
BOP No.

Yazoo City Low  
\_\_\_\_\_  
Federal Correctional Institution (if applicable)

P.O. Box 5000  
\_\_\_\_\_  
Address

Yazoo City, MS 39194  
\_\_\_\_\_  
City, State & Zip Code

**NOTICE TO JUDGMENT DEBTOR OR OBLIGOR**

Money or property belonging to you may have been taken or held in order to satisfy a judgment or order which has been entered against you. YOU MAY BE ABLE TO GET YOUR MONEY BACK. Read this carefully.

**INSTRUCTIONS:** To claim that some or all of the restrained property is exempt, **within 20 days of receipt of this notice**, check or circle which of the below exemption(s) you claim and return this form to **USAO-SDNY-FLP, 86 Chambers Street, New York, NY 10007** \*\*If you have any documents to support your claim, such as an account statements, paystubs, copies of checks or bank records showing the last three months of account activity, include copies of those documents with this form.\*\*

I claim the property held by \_\_\_\_\_ is exempt:  
(name of third party holding property)

**EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

- \_\_\_\_\_ 1. Wearing apparel and school books;
- \_\_\_\_\_ 2. Fuel, provisions, furniture, and personal effects not to exceed \$10,810 in value;
- \_\_\_\_\_ 3. Books and tools of a trade, business, or profession not to exceed \$5,400 in value;
- \_\_\_\_\_ 4. Unemployment benefits in any amount;
- \_\_\_\_\_ 5. Undelivered mail to the addressee;
- \_\_\_\_\_ 6. Certain annuity and pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code;
- \_\_\_\_\_ 7. Workmen's compensation in any amount;
- \_\_\_\_\_ 8. Judgments for support of minor children if entered by a court of competent jurisdiction prior to the date of levy to contribute to the support of his minor children, so much of the debtor's salary, wages, or other income as is necessary to comply with such judgment;
- \_\_\_\_\_ 9. Certain service-connected disability payments in any amount payable as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under – (A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38;
- \_\_\_\_\_ 10. Assistance under Job Training Partnership Act in any amount under 29 U.S.C. § 1501, et seq.;
- \_\_\_\_\_ 11. Minimum exemptions for wages, salary and other income - *The exemptions in the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings automatically apply and do not need to be claimed.* The aggregate disposable earnings of an individual for any workweek subjected to garnishment may not exceed (1) 25% of disposable earnings for that week, or (2) the amount by which disposable earnings for that week exceed 30 times the federal

minimum hourly wage in effect at the time the earnings are payable, whichever is less.

If you think that any of your money that has been taken or held is exempt, you must act promptly because the money may be applied to the judgment or order. **IF YOU CLAIM THAT ANY OF YOUR MONEY THAT HAS BEEN TAKEN OR HELD IS EXEMPT, CONTACT THE PERSON SENDING THIS NOTICE.**

Also, YOU MAY CONSULT AN ATTORNEY, INCLUDING ANY FREE LEGAL SERVICES ORGANIZATION IF YOU QUALIFY. You can also go to court without an attorney to get your money back. Bring this notice with you when you go. You are allowed to try to prove to a judge that your money is exempt from collection under New York Civil Practice Law and Rules (NYCPLR) §§ 5222, 5222a, 5239, and 5240, which provide the procedures for determination of a claim to an exemption. If you do not have a lawyer, the Clerk of Court may provide forms to help you prove your account contains exempt money that the creditor cannot collect.

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor

Print Name: \_\_\_\_\_

RETURN NOTICE OF CLAIMED EXEMPTION FORM TO:

USAO-SDNY-FLP  
86 Chambers Street  
New York, New York 10007  
Email: [Melissa.Childs@usdoj.gov](mailto:Melissa.Childs@usdoj.gov)



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DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor

Print Name: \_\_\_\_\_

RETURN NOTICE OF CLAIMED EXEMPTION FORM TO:

USAO-SDNY-FLP  
86 Chambers Street  
New York, New York 10007  
Email: [Melissa.Childs@usdoj.gov](mailto:Melissa.Childs@usdoj.gov)

Noe Villa-Rios  
# 91321-054  
P.O. Box 5000  
Yazoo City, MS 39194

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JACKSON MS 390  
14 AUG 2024 PM 2



U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
OFFICE OF THE CLERK  
500 PEARL ST. ROOM 120  
NEW YORK, NY 10007-1312

10007-133099

